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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re Navidea Biopharmaceuticals Litigation

Case No.: 1:19-cv-01578-VEC

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law of Michael M. Goldberg, M.D. in support, and upon all prior pleadings and proceedings had herein, Defendant/Counterclaim Plaintiff/Third-Party Plaintiff Michael M. Goldberg, by and through his undersigned attorneys, will move this Court, before the Honorable Valerie E. Caproni, United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 443, New York, New York 10007, (i) striking the purported “Response” and accompanying attorney declaration with exhibits [Dkt. Nos. 201 and 202] improperly filed by Plaintiff/Counterclaim Defendant Navidea Biopharmaceuticals, Inc. (“Navidea”) with respect to Dr. Goldberg’s Objections to the Report & Recommendation of Magistrate Judge Debra Freeman dated April 21, 2021 [Dkt. No. 198], and (ii) granting Dr. Goldberg such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that any opposing affidavits and answering memoranda to this motion shall be served within fourteen (14) days after service of the moving papers, and any reply affidavits and reply memoranda shall be served within seven (7) days after service of the answering papers pursuant to Local Rule 6.1(b).

Dated: Westchester, New York  
May 26, 2021

Respectfully submitted,

/s/ Gregory Zimmer

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